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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,952	10/06/2005	Wolfgang Andorfer	P40106US	3477

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EXAMINER

FAROKHROOZ, FATIMA N

ART UNIT	PAPER NUMBER
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2889

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/551,952	Applicant(s) ANDORFER ET AL.	
	Examiner FATIMA N. FAROKHROOZ	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/21/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/24/09 and 07/24/09</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

The amendment filed on 9/21/09 is acknowledged. Claims 6,7,12 and 13 remain pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaGiusa (US 4041344) in view of Bunk et al (US 5811934) and Tschetter (US 4535269).

Regarding claim 6, LaGuisa teaches a halogen incandescent lamp (see at least Fig.2) having a transparent lamp vessel which is sealed off at one end 23, and at least one incandescent filament (col.2,lines 64-67) sealed (col.2,lines 60-68;since the lamp is sealed and filament is within the lamp) within the lamp vessel , wherein a section (portion 22) of the lamp vessel is in the form of a reflector (by coating 21;col.3; line 20) and is provided with a visible light-reflecting coating (21),said visible light reflecting coating being a metallic coating (see silvering coating in col.5,lines 20-25 which is same material as disclosed for the invention) applied on the outer surface of

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said lamp vessel (col.5,lines 20-25); and wherein the lamp vessel is, apart from its sealed-off end 23, in the form of an ellipsoid, whose semimajor axis is arranged on the longitudinal axis of the lamp vessel , and a region of the lamp vessel which essentially corresponds to a half-shell of the ellipsoid is provided with the light-reflecting coating (21 ;col.2,lines 54-69).

Lagiusa does not teach the dimensions of the filament coil and the lamp vessel.

In the same field of endeavor, Bunk teaches a halogen incandescent lamp (Fig.2), wherein the length of the light-emitting coil of the incandescent filament being less than or equal to 4.4 mm, and its external diameter being less than 2.3 mm (Col.6,40-45) in order to achieve a compact filament (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the filament, as disclosed by Bunk, in the lamp of Laguisa in order to achieve a compact filament (see Bunk's Abstract).

Further, the previous combination does not teach that the dimension of the lamp vessel transverse to the longitudinal axis has a maximum value of 30 mm.

In the same field of endeavor, the added Tschetter reference teaches an incandescent lamp wherein the envelope (28 in Fig.1;col.7,lines 45-60) has ellipsoidal shape whose major axes is 17.6 mm and minor axes is 14.5 mm (also see claim 3 of Tschetter) in order to achieve improved efficiency (col.7,lines 58-60)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the lamp, as disclosed by

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Tschetter, in the lamp of the previous combination in order to achieve improved efficiency.

Regarding claim 7, LaGuisa teaches a halogen incandescent lamp (see at least Fig.2), characterized in that the half-shell of the ellipsoid extends from the sealed-off end (23) of the lamp vessel to the opposite end of the lamp vessel (see Fig.2 and col.2, lines 54-69).

Regarding claim 13, LaGuisa teaches a halogen incandescent lamp (see at least Fig.2);characterized in that the lamp vessel is, apart from its sealed-off end (23), in the form of an ellipsoid, whose semimajor axis is arranged on the longitudinal axis of the lamp vessel , and a region of the lamp vessel which essentially corresponds to a half-shell of the ellipsoid is provided with the light-reflecting coating (see Fig.2 ,21 in col.2,lines 54-69 and col.3,line 20).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable DeCaro (US 3983513) in view of Bunk et al (US 5811934) and Tschetter (US 4535269).

Regarding claim 12, DeCaro teaches a halogen incandescent lamp (see at least Fig.3) having a transparent lamp vessel which is sealed off at one end (base member 36;col.3,lines 59-65), and at least one incandescent filament (38;col.3,lines 59-69) sealed (col.2,lines 60-68;since the lamp is sealed and filament is within the lamp) within the lamp vessel , wherein a section of the lamp vessel is in the form of a reflector and

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is provided with a visible light-reflecting coating 44; said visible light reflecting coating being a metallic coating (see Abstract) applied on the outer surface of said lamp vessel (see Abstract);and wherein the lamp vessel is axially symmetrical with respect to a longitudinal axis of the lamp vessel , and the at least one incandescent filament 38 is arranged on the longitudinal axis of the lamp vessel , the section of the lamp vessel which is in the form of a reflector being a ring-shaped section (section of layer 44;col.4,lines 10-24), which is connected to the sealed-off end of the lamp vessel and whose ring axis is arranged on the longitudinal axis; wherein the section of the lamp vessel which is in the form of a reflector is parabolic (col.4,lines 20-24), the rotational axis of the paraboloid being arranged on the longitudinal axis (the longitudinal axis is the axis on which the filament in Fig.3 is located, hence the rotational axis of the parabola is arranged on this longitudinal axis), and the vertex of the paraboloid facing the sealed-off end of the lamp vessel (since vertex is defined as the highest or lowest point in a parabola, see Fig.3 wherein the lowest point of the parabola faces the sealed off end wherein the connector is formed).

DeCaro does not teach the dimensions of the filament coil and the lamp vessel.

In the same field of endeavor, Bunk teaches a halogen incandescent lamp (Fig.2), wherein the length of the light-emitting coil of the incandescent filament being less than or equal to 4.4 mm, and its external diameter being less than 2.3 mm (Col.6,40-45) in order to achieve a compact filament (see Abstract).

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the filament, as disclosed by Bunk, in the lamp of DeCaro in order to achieve a compact filament.

Further, the previous combination does not teach the dimension of the lamp vessel transverse to the longitudinal axis has a maximum value of 30 mm.

In the same field of endeavor, the added Tschetter reference teaches an incandescent lamp wherein the envelope (28 in Fig.1;col.7,lines 45-60) has ellipsoidal shape whose major axes is 17.6 mm and minor axes is 14.5 mm (see claim 3 of Tschetter) in order to achieve improved efficiency (col.7,lines 58-60)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the lamp, as disclosed by Tschetter, in the lamp of the previous combination in order to achieve improved efficiency.

Response to Arguments

The arguments filed on 09/21/09 have been considered.

The Applicant made the following arguments:

1. Regarding the arguments on page 5 of the Remarks that LaGiusa's lamp being only a halogen cycle inner lamp, the arguments are not persuasive because LaGiusa has explicitly disclosed in col.5, lines 20-26 that its limitations for a lamp applies to various lamps such as 1. a lamp with filament (it is well known in the art that examples of incandescent sources are filament lamps) , 2. halogen cycle inner lamp or 3. high

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intensity gaseous discharge lamp; thereby Laguisa's limitations cover the Applicants claimed invention. Even if Lagiusa has used an example of a halogen cycle lamp in its disclosure as argued in paragraph 2 of page 6 of the Remarks, yet Lagiusa has indicated that its inventive concept is applicable to many other versatile lamp structures such as lamps with filaments.

2. The Applicant has argued on paragraphs 3 and 4 of page 7 of the Remarks, that "to achieve a compact filament" is a conclusory ; the arguments are not persuasive because Bunk has explicitly claimed a compact filament in its Incandescent lamp in its Abstract and has disclosed the dimensions for the filament in its disclosure, which is a clear indication that the dimensions for the filament were designed to achieve a compact filament that could be further applied to LaGiusa that also uses a filament.

3. The Applicant has argued on page 8 of the Remarks that Tschetter never states that the specific axis dimensions alone achieve improved efficiency, but rather a lamp "having the desired features of this invention", the arguments are not persuasive since Tsuchetter teaches in the Abstract that the bulb has improved inner shape and further in col.3, lines 18-21 and lines 50-60 Tsuchetter teaches that the shape *is for the purpose of uniform heat distribution which is indicative of the improved efficiency pertaining only to the specific shape of the lamp and not including the other features*. Therefore Tschetter has given reasoning for the efficiency improvement pertaining to the shape alone because of uniform temperature distribution achieved by that shape/dimensions. The same reasoning applies to the arguments on page 9 with respect to the Decaro and Lagiusa reference, because irrespective of other features

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such as an outer bulb, the shape alone of the Lagiusa results in uniform temperature distribution.

Conclusion

1. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatima Farokhrooz whose telephone number is (571)-272-6043. The examiner can normally be reached on Monday- Friday, 9 am - 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fatima N Farokhrooz/
Examiner, Art Unit 2889

/Joseph L. Williams/
Primary Examiner, Art Unit 2889